IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

MACA.No. 416 of 2007()

OPMV.2031/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

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APPELLANT/PETITIONER

M.A.MAJEED, S/O.ABDULLA,
KARIPADY HOUSE, BEKAL P.O., REP. BY POWER OF
ATTORNEY HOLDER, MR.DAVIS PAUL, S/O.P.D.PAUL,
PALACKAL HOUSE, MELADOOR P.O., ANNAMANADA.

BY ADV. SRI.VIVEK VARGHESE P.J.

RESPONDENTS: RESPONDENTS IN OP(MV)

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1. THE MANAGING PARTNER,
M/S.PURAKKATT TRANSPORTS, KATHRIKADAVU,
SOUTH KALOOR, KOCHI-17.

2. M.A.MUHAMMED, S/O.ALI,
POOTHANAPPILLITHUNDI HOUSE,
PONNURUNNI, COCHIN-19.

3. THE ORIENTAL INSURANCE CO.LTD.,
COCHIN-11.

BY ADV. SRI.T.MADHU
SRI.P.R.SHIBU

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

M.A.C.A.No.416 of 2007

Dated, this the 1st day of October, 2007

JUDGMENT

Owner of a vehicle which had sustained damages in a motor vehicle accident has filed this appeal challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal. The appellant's vehicle met with an accident. According to the appellant he spent more than Rs.84,000/- for repairing the vehicle. A surveyor was deputed who filed Ext.A6 report. Appellant produced Ext.A10 series bills which show that appellant had spent a sum of Rs.63,223.73 ps. for spare parts. Tribunal did not accept that bills. Tribunal took note of the fact that the total cost of the spare parts fixed by the surveyor is only Rs.43,375.43 ps. and after fixing a depreciation value of 50% Tribunal awarded 50% of that amount. The appellant claimed Rs.37,320/- as labour charges. Tribunal awarded Rs.9,330/- though there was no evidence to show the actual amount spent by the appellant by way of labour charges. Considering all aspects compensation awarded is reasonable. I do not find any reason to enhance the compensation. There is no merit in the appeal. The same is only to be dismissed.

In the result, appeal is dismissed.

K. PADMANABHAN NAIR,
JUDGE.

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